IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2556 OF 2006

Hyderabad (Sind) National Collegiate Board
Through Shri J.K. Bhambhani, Rector
& Others ..Petitioners.

Vs.

Mansura Ebrahim Millwalla & Ors. ..Respondents.

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Mr. J.P. Cama, Senior Advocate i/b G.D. Talreja & Associates for the Petitioners.
Mr. S.K. Talsania, Senior Advocate with Mr. Y.E. Mooman for Respondent No.1.
Mr. P.M. Palshikar, AGP for Respondent No.3.

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CORAM: DR. D.Y. CHANDRACHUD, J.

12th October, 2006.

P.C. :

This Petition was extensively argued before the Court on 10th October, 2006 and 11th October, 2006. The learned senior counsel appearing on behalf of the Petitioners and learned senior counsel appearing on behalf of the First Respondent and counsel appearing for the University have been heard. Even during the course of the hearing, the matter appeared eminently fit for an amicable resolution of the dispute and accordingly several suggestions were exchanged between the learned counsel. Today

before the order has been pronounced, the Court has been requested to record the following terms of settlement between the parties.

The Principal of the College – the Third Petitioner, who is duly authorized to give instructions to the learned counsel is present before the Court. The First Respondent has instructed her brother who is a practising advocate before this Court and who is also the advocate on the record to agree to the terms of the settlement. Accordingly by consent the following order is passed since the Court is informed that no further reasons need be recorded :

i) The First Respondent shall be reinstated to the post of Librarian in the R.D. National College and W.A. Science College by the Petitioners on her reporting for work on 6th November, 2006 with continuity of service and will be assigned normal duties.;

ii) Simultaneously with her reporting for work, the First Respondent shall submit an application for voluntary retirement to the Petitioners; the voluntary retirement shall take effect from 6th

November, 2007;

iii) The First Respondent shall be entitled to 50% of her backwages between 30th August, 2005, (the date on which her services were terminated) and 6th November, 2006 (the date on which the First Respondent shall report for work);

iv) Upon the acceptance of the application for voluntary retirement by the Petitioners, the First Respondent shall be entitled to the payment of all her retiral benefits in accordance with law as on 6th November, 2007 and on the basis that the order of reinstatement has taken effect with continuity of service. In the meantime, until 6th November, 2007, the First Respondent shall with effect from 6th November, 2006 be entitled to the payment of her salary in accordance with the judgment and order dated 2nd September, 2002 of a Division Bench of this Court in Writ Petition 1334 of 1994 (Mansura Ebrahim Millwalla v. State of Maharashtra & Ors).

v) The order passed by the University and College Tribunal shall stand substituted by the aforesaid directions with the consent

of the parties.

vi) The First Respondent undertakes to withdraw Contempt Application 2 of 2006 filed before the University and College Tribunal in view of the fact that the dispute between the parties is settled.

In order to facilitate due disbursal of her pensionary benefits, the First Respondent shall comply with all the requisitions of the Petitioners in accordance with law.

The Petition is disposed of by consent in the aforesaid terms since no other point is pressed on either side.